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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,054	05/26/2006	Rainer Breitenbach	INA-40	1220
20311 7590 05/07/2009 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
GARCIA, ERNESTO				
ART UNIT		PAPER NUMBER		
3679				
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05/07/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,054

Applicant(s)

BREITENBACH ET AL.

Examiner

ERNESTO GARCIA

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2008 and 02 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date 3/2/09
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Restriction

Claims 1-12 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 27, 2008.

Drawings

The drawings were received on March 2, 2009. These drawings are accepted. However, the drawings contain a few discrepancies.

The drawings are objected to because the cross-hatching of the component containing the hex socket 29 in Figures 9-13 has a different cross-hatching than that shown in Figures 5 and 6. It is unclear to what material the cross-hatching corresponds to the same object containing the hex socket 29 shown in Figures 9-13.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 15 is objected to because of the following informalities:

regarding claim 15, "by means of" in line 6-7 should be deleted as the claim is not invoking 35 USC 112, 6th paragraph. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 102

Claims 15-18, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nelsen et al., GB-2,301,548.

Regarding claim 15, Nelsen et al. disclose, in Figure 5, a screwed joint comprising a flange **14**, a drive element **10'**, a nut **46**, and a bolt **22**. The bolt **22** is on the drive element **10'**. The drive element **10'** and the flange **14** are screwed together at least by the nut **46** and the bolt **22**. The nut **46** has an undercut **A1** (the groove; see marked-up attachment) at least on a portion of the nut **46** from a direction of the flange **14**. The portion is spaced axially in relation to the flange **14**. The undercut **A1** (the groove) has a radial wall **A2** (every groove has two radial walls) facing the flange **14**. The nut **46** is extended axially by a shank **A3**.

Regarding claim 16, the undercut **A1** is at least one radial recess **A1**.

Regarding claim 17, the radial recess **A1** is at least one annular groove **A1**.

Regarding claim 18, the bolt **22** has an external thread. The nut **46** has an internal thread corresponding to the external thread (page 5, 2-4). The annular groove **A1** is on an outer side facing away radially from the internal thread (the groove is on the outside of the internal thread).

Claims 15-18, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hetmann et al., 3,635,303.

Regarding claim 15, Hetmann et al. disclose, in Figure 2, a screwed joint comprising a flange **67**, a drive element **54**, a nut **57**, and a bolt (threaded portion where nut is threaded). The bolt is on the drive element **54**. The drive element **54** and the flange **67** are screwed together at least by the nut **57** and the bolt. The nut **57** has an undercut **58** at least on a portion of the nut **57** from a direction of the flange **67**. The portion is spaced axially in relation to the flange **43**. The undercut **58** has a radial wall (every groove has two radial walls) facing the flange **67**. The nut **57** is extended axially by a shank **A1** (see marked-up attachment).

Regarding claim 16, the undercut **58** is at least one radial recess **58**.

Regarding claim 17, the radial recess **58** is at least one annular groove **58** (col. 4, line 6-8).

Regarding claim 18, the bolt has an external thread. The nut **57** has an internal thread corresponding to the external thread. The annular groove **58** is on an outer side facing away radially from the internal thread.

Response to Arguments

Applicants' arguments with respect to claims 15-18 against Norman have been considered but are moot in view of the new ground of rejection.

Regarding the arguments against Hetmann et al., the amended claims 15-18 still read on this reference. The examiner has provided a marked-up copy of Hetmann et al. to show the shank that extends from the nut.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stegeman et al., 5,308,183, also teaches an undercut between a shank 28 and portion 26 as seen in Figure 3.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. In particular, the new recitation "the undercut having a radial wall facing the flange, and the nut being extended axially by means of a shank" in claim 15, lines 5-7, necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. G./

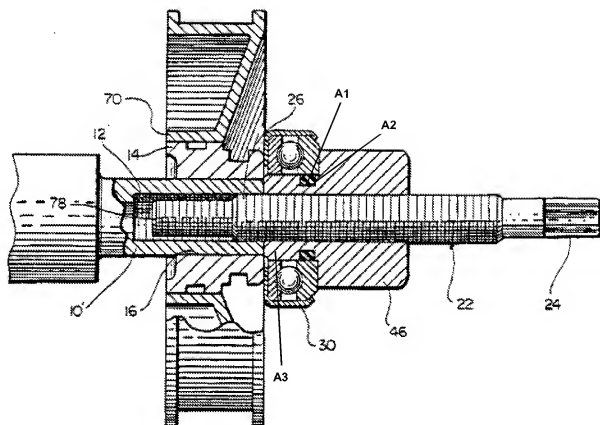
Examiner, Art Unit 3679

May 6, 2009

Attachments: one marked-up page of Nelsen et al., GB-2,301,548
one marked-up page of Hetmann et al., 3,635,303

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679

FIG. 5



Hetmann et al., 3,635,303

